

Served: October 20, 2000



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 19th day of October, 2000

Joint application of

**BELLAIR, INC. and
TRANSNORTHERN AVIATION, INC.**

Docket OST-00-7526 - 4

for a transfer of certificate authority under 49 U.S.C. 41105

ORDER DISMISSING APPLICATION

On June 13, 2000, Bellair, Inc., a small certificated air carrier based in Fairbanks, Alaska, filed a joint application with TransNorthern Aviation, Inc., its parent corporation, requesting a transfer of the interstate scheduled certificate issued to Bellair under section 41102 of Title 49 of the United States Code (Transportation) ("the Statute") to TransNorthern.¹

By letter dated July 17, 2000, we advised the applicants that additional information was needed in order to continue to process the transfer request. This included information to establish the fitness of TransNorthern to hold a certificate, as well as information required by section 41105(h) of the Statute.² The applicants were given 30 days (or until August 16) to provide the information requested. No response was received to that letter.

On September 26, we sent the applicants another letter reminding them that they had not responded to our original request for information. The applicants were given an additional 21 days (or until October 17) to respond and were further advised that, if they failed to submit the required information by that date, we would dismiss their application without further

Bellair was originally issued certificate authority by Order 83-9-9 on September 2, 1983. After a cessation of operations in 1992, the carrier was redetermined fit to operate, and its certificate was reissued for a one-year period by Order 92-9-15 on September 4, 1992. The certificate was reissued without an expiration date, but with certain other restrictions, by Order 95-7-39 on July 26, 1995. Those restrictions included operations only within the State of Alaska using a fleet of no more than five aircraft each having less than 10 passenger seats or 7,500 pounds payload capacity. The certificate was reissued again on June 1, 1999, to reflect the current format used in such certificates (Order 99-6-2). At the time of this reissuance, the five aircraft and 10 seat/7,500 pounds payload limitations were retained. In October 1999, Bellair was sold to Mr. Michael A. Spisak, the former owner and operator of Alaska Island Air, Inc., a dormant certificated air carrier. In May 2000, Mr. Spisak purchased TransNorthern Aviation, an intra-state Alaskan on-demand carrier, at which time he advised us that Bellair would operate as a subsidiary of TransNorthern.

² In order to approve a transfer of a certificate, section 41105(b) requires the Department to analyze the effects of the transfer on (1) the viability of each carrier involved in it, (2) competition in the domestic airline industry, and (3) the trade position of the United States in the international air transport market.

notice. Again, no response was received. Since we are unable to continue to process the transfer application without this additional information, we have decided to dismiss Bellair's and TransNorthern's joint application. Should the applicants wish to refile their transfer request, they should include the fitness and other information requested in our July 17, 2000, letter.

ACCORDINGLY, Acting under authority assigned by the Department in its Regulations, 14 CFR 385.12:

1. We dismiss the joint application filed on June 13, 2000, in Docket OST-00-7526, requesting the transfer of Bellair, Inc.'s section 41102 certificate authorizing interstate scheduled air transportation to TransNorthern Aviation, Inc.
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under 14 CFR 385.30 may file their petitions within 10 days of the service date of this order.

This order shall be effective immediately, and the filing of a petition for review shall not alter its effectiveness.

By:

RANDALL D. BENNETT
Acting Director
Office of Aviation Analysis

(SEAL)

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>*

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